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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/336,611	06/18/1999	C. PHILLIP REAY	ONAD0002	7867

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EXAMINER

HAQ, NAEEM U

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 08/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/336,611

Applicant(s)

REAY ET AL.

Examiner

Naeem Haq

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 June 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 42-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 42-44 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

This Office Action is in response to the applicant's amendment, paper number 5, received on June 24, 2002. Claims 1-41 will be considered for examination.

### ***Election/Restrictions***

Newly submitted claims 42-44 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 42-44 are directed to a system, method, and an article of manufacture for checking the registry of a client computing system to determine if a softgood has been registered on the client system.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 42-44 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 1-4, 6-8, 10-12, 14, 15, 17-19, 35, 36, and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al (US Patent 6,385,596 B1) in view of Korth et al "Database System Concepts".**

Referring to claims 1 and 35, Wiser teaches a method and system for facilitating automated sale of softgoods (column 3, lines 5-10), comprising the steps of:

- providing a program to a creator of the softgoods that automatically includes a unique identifier in each softgood before the softgood is distributed to prospective purchasers (column 3, line 67; column 4, lines 1-3);
- distributing the softgoods to prospective purchasers, such that the distribution is not limited to a distribution over private networks (column 3, lines 5-20; column 6, lines 15-27);
- providing an agency having a server that implements softgood purchase transactions and maintains a database in which data relating to the sale of softgoods are stored (Figure 1B, items 124 and 130; column 5, lines 43-65; column 6, lines 4-14; column 9, lines 38-51), such that for softgoods that are purchased, the database maintains data relating to the purchasers of the softgoods, softgoods that were distributed to the prospective purchasers and then purchased being unchanged as a result of a purchase transaction (column 3, lines 51-63).

Wiser does not teach that that the unique identifier specifically references the creator of the softgoods, or that the unique identifiers of the softgoods are referenced in a

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database to track the softgood purchase transactions. However, Korth teaches a method of managing a database that uses primary keys to distinguish between various entities in a set (pages 30-33 and 57-59). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the primary keys of Korth into the transaction database of Wiser. One of ordinary skill in the art would have been motivated to do so in order to distinguish between the various softgoods in the transaction database. Finally, Wiser does not teach that the database maintains data for as long as the agency is managing purchases of the softgoods. However it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to maintain the database of Wiser and Korth for as long as necessary. One of ordinary skill in the art would have been motivated to do so based on the business needs of the organization.

Referring to claims 2 and 15, Wiser and Korth do not teach that the unique identifier for the softgood also references a unique identifier for the program provided to the creator. However, it is well know in the art to provide a unique serial number for each softgood that requires registration. Such a serial number can be used to identify anything a vendor desires (e.g. a program used to create a softgood). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate a unique serial number into the softgoods of Wiser and Korth. One of ordinary skill in the art would have been motivated to do so in order to assist in internal tracking and accounting of the softgoods.

Referring to claims 3, 4, and 7, Wiser and Korth teach all the limitations of claim 1 as noted above. Furthermore, Wiser teaches that the unique identifier of the softgood is assigned to a server (column 4, lines 1-12).

Referring to claim 6, Wiser teaches a program for playing the softgood that also communicates with the server to enable the purchase of the softgood (column 3, lines 33-50; column 4, lines 63-67; column 10, lines 1-16; Figure 1A, item 116; Figure 14).

Referring to claims 8 and 19, Wiser teaches a method and computer-executable instructions for facilitating purchase of a softgood that is freely distributed to prospective purchasers for preview with a player program and which includes a unique identifier that is assigned to the softgood before the softgood is distributed, comprising the steps of:

- enabling the prospective purchasers to preview the softgood with the player program to a limited extent, prior to deciding to purchase the softgood (column 3, lines 51-63);
- enabling purchase of the softgood with the player program by connecting a computer on which the player program is executing with an e-commerce agency to initiate a network transaction, purchase of the softgood causing data related to the purchase to be recorded in the database of the e-commerce agency and causing a registration value that references the unique identifier to be transmitted to the computer on which the player program is executing (column 3, lines 32-50; column 9, lines 26-36; column 10, lines 18-37);

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- using the player program, registering the softgood on the computer employed for the network transaction using the registration value provided by the e-commerce agency, registration of the softgood on the computer enabling the softgood to be played by the player program beyond the limited extent of the preview (column 3, lines 32-50; column 9, lines 25-36; column 10, lines 18-37).

Wiser does not explicitly teach that the softgood is previewed and purchased from ***within*** the player program. However, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to implement the user interface of Wiser in such a way as to allow previewing and purchasing from ***within*** the interface since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Referring to claims 10 and 11, Wiser teaches the steps of using the player program to transmit an identification of a purchaser of the softgood to the e-commerce agency during the network transaction, to enable the e-commerce agency to debit a financial account of the purchaser for a purchase price of the softgood, wherein the financial account numbers of purchasers of softgoods are stored in a database, a financial account number of a purchaser being used to debit an account of said purchaser as a result of the network transaction (column 13, lines 4-58).

Referring to claims 12 and 36, Wiser teaches the step of modifying the softgood to include the registration value and recording the registration value in a file, said

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registration value referencing the identification of the user (column 4, lines 42-50; column 9, lines 11-18; column 19, lines 61-67; column 20, lines 1-8).

Referring to claim 14, Wiser teaches the step of registering each instance of the player program with a player identification in the database of the e-commerce agency (column 18, lines 60-62; column 26, lines 11-34).

Referring to claim 17, Wiser teaches the step of permitting the softgood to be played with only a substantially reduced quality, unless registered on the computer (column 3, lines 51-63).

Referring to claim 18, Wiser does not explicitly teach the step of sending a message over the network to advise a purchaser of the registration value that was used to register the softgood on the computer of the purchaser. However, Official Notice is taken that it is old and well known in the art to advise a purchaser of the registration value that was used to register a softgood on a computer in order to allow a purchaser to retain the registration value for recording keeping purposes.

Referring to claims 39-41, Wiser teaches that media player enables the user to purchase the softgood when executed on the computer of the user and communicates with the server computer over the network to facilitate the purchase of the softgood (Figure 14; column 10, lines 1-17; Figure 1A, item 116; Figure 1B, item 124). Finally, wiser teaches that a preview of the softgood to a limited extent is permitted on the computer of the user before the softgood is purchased, and once the softgood is registered on the computer of the user using the registration value, use of the softgood



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on the computer of the user is permitted to an extent determined by a license of the softgood (column 3, lines 51-63; column 10, lines 18-48).

**Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al (US Patent 6,385,596 B1) in view of Ronning (US Patent 5,883,955).**

Wiser teaches the limitations of claim 8 as noted above. Wiser does not teach that the softgood is not usable on the computer for more than a predefined number of times, unless registered on the computer. However, Ronning teaches this limitation (column 2, lines 26-29; claim 5). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Ronning into the method of Wiser. One of ordinary skill in the art would have been motivated to do so in order to persuade the user to purchase the softgood.

**Claim 5 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al (US Patent 6,385,596 B1) in view of Korth et al "Database System Concepts", and further in view of Stefik et al (US Patent 5,629,980).** Wiser and Korth teach all the limitations of claim 1 as noted above. Wiser and Korth do not teach including a base price within each softgood prior to the step of distributing the softgood. However, Stefik teaches including a fee within each softgood prior to the step of distributing the softgood (column 6, lines 51-56). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the fee of Stefik into the method of Wiser and Korth. One of ordinary skill in the art would have been motivated to do so in order to automatically show the purchaser the price of the softgood prior to purchasing.

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**Claims 9, 13, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al (US Patent 6,385,596 B1) in view of Stefik et al (US Patent 5,629,980).**

Referring to claims 9 and 37, Wiser teaches the limitations of claim 8 as noted above. Wiser does not teach including at least one of an identification of a creator of the softgood, an identification of a software product used to produce the softgood, and a price in the softgood prior to its distribution. However, Stefik teaches including a fee within each softgood prior to the step of distributing the softgood (column 6, lines 51-56). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the fee of Stefik into the method of Wiser. One of ordinary skill in the art would have been motivated to do so in order to automatically show the purchaser the price of the softgood prior to purchasing.

Referring to claim 13, Wiser does not teach the step of including a prohibition of a purchaser modifying the softgood within the softgood. However, Stefik teaches prohibiting the purchaser from modifying the softgood (column 9, line 8; column 11, lines 33-34; column 40, lines 47-67; column 41, lines 1-39). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Stefik into the method and computer program of Wiser. One of ordinary skill in the art would have been motivated to do so in order to protect the authenticity of the softgood.

**Claims 20, 21, 24, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ronning (US Patent 5,883,955).**

Referring to claims 20 and 31, Ronning teaches a method and computer-readable medium having computer-executable instructions for controlling play of a softgood on a computer using a player program, said player program also being employed to purchase the softgood through a network transaction (column 3, lines 50-66; column 4, lines 46-49; Figure 2, items 18, 40, and 42), comprising the steps of:

- enabling a user to preview the softgood on the computer (column 4, lines 56-67; column 5, lines 1-3; Figure 3, item 46);
- enabling the user to purchase the softgood through a transaction (column 5, lines 4-15; column 11, lines 1-8).

Ronning does not explicitly teach that the softgood is previewed and purchased from **within** the player program. However, Ronning states "Fig.3 is one example of user interfaces for a software or digital information distribution system. Other user interfaces or ways of allowing a user to interact with the system are possible for such a system." (column 5, lines 12-15). Clearly Ronning states that the implementation and functionality of the user interface of Figure 3 is merely a programming choice. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to implement the user interface of Ronning in such a way as to allow previewing and purchasing from **within** the interface since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Referring to claim 21, Ronning teaches the limitations of claim 20 as noted above. Ronning also teaches the step of registering a softgood on a computer so that

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the softgood is playable on the computer with the player program beyond the preview limit (column 11, lines 1-67; column 12, lines 1-22). Ronning does not teach that the registration value identifies a software program used to create the softgood. However, Ronning teaches generating a serial number for the registration of the softgood (column 11, lines 13-16). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the identity of the software program used to create the softgood into the serial number of Ronning. One of ordinary skill in the art would have been motivated to do this in order to maintain an accurate history of the softgood from development to installation.

Referring to claim 24, Ronning teaches the steps of confirming that a financial account number is valid and transmitting a registration value to the purchaser (column 11, lines 1-28).

**Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ronning in view of Richardson III (US 5,490,216).**

Referring to claims 22 and 23, Ronning teaches all the limitations of claim 21 as noted above. Ronning does not teach the limitations of claims 22 and 23. However, Richardson III teaches a method of registering softgoods wherein if the softgood is transferred to a different computer after being purchased, the softgood must again be registered on the different computer to enable the softgood to be played beyond the preview limit on the different computer (column 2, lines 52-55; column 6, lines 34-67, column 7, lines 1-67; column 8, lines 1-38). Furthermore Richardson teaches that the registration value includes at least a name of the purchaser of the softgood (column 8,

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lines 15-22). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Richardson into the method of Ronning. One of ordinary skill in the art would have been motivated to do so in order to ensure that a purchaser had followed proper licensing procedures of the softgood.

**Claims 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ronning and Bernard et al (US 5,918,213) and further in view of Microsoft Press Computer Dictionary.**

Referring to claim 25, Ronning teaches all the limitations of claim 21 as noted above. Furthermore, Ronning teaches storing the registration value so that the purchaser can again reregister the softgood on a computer (column 11, lines 9-13). Ronning does not teach maintaining a database on an e-commerce server in which an identification of each purchaser and a list of each softgood purchased by each purchaser are included, to facilitate distribution of at least a portion of the purchase price of the softgood to a creator of the softgood. However, Bernard teaches the use of a database to facilitate the distribution of at least a portion of the purchase price of the softgood to a creator of the softgood (column 30, lines 42-67). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Bernard into the method Ronning. One of ordinary skill in the art would have been motivated to do so in order to ensure that the creator was paid for his or her work.

Referring to claim 26, Ronning and Bernard teach all the limitations of claim 25 as noted above. Furthermore, Bernard teaches that the data stored in the database also includes a financial account number for each purchaser of softgoods, said financial account numbers being provided by the purchasers, further comprising the step of charging the financial account referenced by the financial account number of a purchaser during the transaction (column 3, lines 63-67; column 4, lines 1-20). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Bernard into the method of Ronning. One of ordinary skill in the art would have been motivated to do so in order to automate the purchase transaction for the purchaser.

Referring to claims 27 and 28, Ronning and Bernard teach all the limitations of claim 26 as noted above. Ronning and Bernard do not teach using the player program to encrypt a financial account number for transmission over a network. However, Microsoft Press teaches a method of Secure Socket Layer (SSL) which is used to encrypt and transmit financial account numbers over a network (page 425-426). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to implement the SSL standard as taught by Microsoft in the method of Ronning and Bernard. One of ordinary skill in the art would have been motivated to do so in order to prevent interception of critical information.

Referring to claim 29, Ronning and Bernard teach all the limitations of claim 25 as noted above. Furthermore Bernard teaches that the database includes a current price for each softgood, and the step of advising a purchaser of the current price of the

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softgood being purchased during the transaction (column 10, lines 24-48). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Bernard into the method of Ronning. One of ordinary skill in the art would have been motivated to do so in order to allow the purchaser to decide whether to actually purchase the product.

**Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ronning in view of Microsoft Press Computer Dictionary.** Ronning teaches the limitations of claim 21 as noted above. Ronning does not teach that the player program transmits information over a network using a secure communication protocol. However, Microsoft Press teaches a method of Secure Socket Layer (SSL) which is used to encrypt and transmit financial account numbers over a network (page 425-426). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to implement the SSL standard as taught by Microsoft in the player program of Ronning. One of ordinary skill in the art would have been motivated to do so in order to prevent interception of critical information.

**Claims 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ronning and Bernard, and further in view of Stefik.**

Referring to claim 32, Ronning teaches a system for facilitating purchase of a softgood of which copies are freely distributed to prospective purchasers for preview prior to purchase, comprising:

- a purchaser computer that includes a first processor, a first memory in which a plurality of machine instructions are stored that implement a

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plurality of functions when executed by the processor, a first network interface coupling the computer in communication with a network, at least one user interface for input of data to the memory, and a display on which graphics and text are displayed (Figure 2, items 18, 20, 22, 24, 26, 30, and 40; column 4, lines 23-55);

- a remote computer that includes a second processor, a second memory in which are stored a plurality of machine instructions that implement a plurality of functions when executed by the second processor, a second network interface coupling the remote computer in communication with the network and thereby selectively coupling the remote computer in data communication with the purchaser computer via the network (Figure 2, items 40, 42);
- a softgood comprising machine instructions or media data that are loaded into the first memory of the purchaser computer, other of the machine instructions stored in the first memory comprising a player program that uses the softgood, said player program carrying out a plurality of the functions when the machine instructions of the player program are executed by the first processor (Figure 3), including:
  - i. enabling the softgood to be previewed to a limited extent prior to the user purchasing the softgood (column 4, lines 57-67);



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- ii. enabling the user to purchase the softgood in a transaction with the remote computer that is conducted over the network (column 5, lines 1-15; Figure 3, item 48);
  - iii. registering the softgood on the purchaser computer after the softgood has been purchased, said softgood being thus registered using a registration value provided by the remote computer (column 11, lines 1-67);
  - iv. checking for the registration of the softgood on the purchaser computer and enabling the softgood to be used by the player program beyond the limited extent of the preview only if the softgood is determined to be registered on the purchaser computer (column 12, lines 12-13);
- wherein said plurality of functions implemented by said second processor in the remote computer include:
  - i. responding to a request to purchase the softgood received over the network from the purchaser computer (column 11, lines 1-67);
  - ii. confirming an approval of a credit purchase by the user of the purchaser computer with a credit approval agency that is coupled to the network (column 11, lines 6-8);
  - iii. determining the registration value as a function of at least the unique identifier of the softgood and sending the registration value

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to the remote computer over the network to register the softgood on the purchaser's computer (column 11, lines 13-32);

Ronning does not teach that the softgood includes a unique identifier that is included within the softgood before its distribution. However, Stefik teaches including a unique identifier in the softgood (column 6, lines 31-60; column 7, lines 6-13; column 9, lines 50-66; column 11, table 1; lines 33-34). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Stefik into the system of Ronning. One of ordinary skill in the art would have been motivated to do so in order to protect the authenticity of the softgood. Ronning and Stefik do not teach the step of:

- iv. allocating a portion of a purchase price of the softgood set by terms of a prior agreement to a creator of the softgood.

However, Bernard teaches the use of a database to facilitate the distribution of at least a portion of the purchase price of the softgood to a creator of the softgood (column 30, lines 42-67). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Bernard into the system Ronning and Stefik. One of ordinary skill in the art would have been motivated to do so in order to ensure that the creator was paid for his or her work.

Referring to claim 33, Ronning, Stefik, and Bernard teach all the limitations of claim 32 as noted above. Furthermore, Bernard teaches checking the data stored in the database to determine if data for the user purchasing a softgood are already included within the database (column 3, lines 63-67; column 4, lines 1-20), and if so using a

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financial account number included in the data for implementing the purchase of the softgood (column 10, lines 39-48). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Bernard into the system of Ronning and Stefik. One of ordinary skill in the art would have been motivated to do so in order to automate the transaction for the purchaser.

**Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ronning, Stefik, Bernard, and further in view of Richardson.** Ronning, Stefik, and Bernard teach all the limitations of claim 32 as noted above. Ronning, Stefik, and Bernard do not teach the limitation of claim 34. However, Richardson teaches that the registration value includes at least a name of the purchaser of the softgood (column 8, lines 15-22). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Richardson into the system of Ronning, Stefik, and Bernard. One of ordinary skill in the art would have been motivated to do so in order to ensure proper licensing procedures of the softgood.

### ***Response to Arguments***

Referring to the examiner's 112 rejection of claims 7, 8, and 35, the applicant has amended the claims to overcome the rejection. Therefore the 112, second paragraph rejection presented in the original Office Action is hereby withdrawn.

Referring to the examiner's rejection of claims 1-31 and 35-41, the applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Referring to the examiner's rejection of claims 32-34, the applicant's arguments filed June 18, 2002 have been fully considered but they are not persuasive. The

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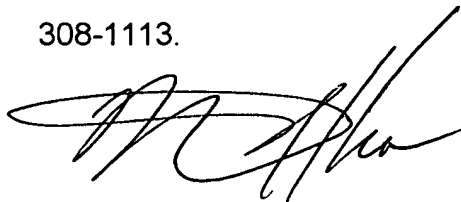
applicant argues, "...there appears to be no basis for combining or modifying the cited art to achieve an invention that enables the user to purchase the softgood *within* the player program." (see amendment page 10, lines 22-24). However, claim 32 does not mention anything about purchasing the softgood *within* the player program. Claim 32 recites, "enabling the user to purchase the softgood in a transaction with the remoter computer..." (see claim 32, lines 26-27).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (703)-305-3930. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703)-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-305-7687 for regular communications and (703)-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1113.



Naeem Haq, Patent Examiner  
Art Unit 3625

August 19, 2002

  
WYNN W. COGGINS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600